

Stop Bemoaning Lawyers' Public Image

To the Editor:

I have been an attorney only for a few years. But in that time, I have lost count of the articles in which the writer bemoans the public's negative perception of lawyers and then figuratively throws up his or her hands, writing that our current abysmal public image as amoral mouthpieces is simply a consequence of our role in representing unpopular clients and the profession's failure to toot its own horn enough about the good works that some of its members do. See State Bar President Kimberly Cahill's November 2006 "President's Page" column, entitled "Image," for a typical example.

As a second-career lawyer, I think I have a better perspective on how "civilians" see lawyers than do most attorneys who entered the profession as young adults. And, contrary to the articles, I observe that there is still a great reservoir of respect and admiration for the attorney who will advocate for the unpopular client, whether it be the criminally accused or a megacorporation. And, of course, prosecutors enjoy great respect and public acclaim.

However, there is one thing that does more to tarnish our image than any other factor. And it's the one thing that every single one of the writers wringing their hands about our image ignores: our pathetic response when attorneys steal from their clients.

If we are serious about regaining public respect for the profession as a whole, then we must do one thing before anything else: we must make sure that, when a lawyer turns criminal and steals from an individual client, the Bar provides complete reimbursement promptly, not a token "up to \$25,000" paid after years of delay, if there is enough money left in the fund. Recovery from the thieving lawyers should not be the victims' problem; it should be ours.

All that is required is a sensible self-insurance plan rather than the one used by the Client Protection Fund now, where attorneys who never even have clients pay the same amount as those who handle monies for scores or even hundreds of clients.

A rational Client Protection Fund would require attorneys to pay graduated assessments in proportion to the amount of client funds that the attorney handles or has access to during the year. Thus, attorneys serving in positions where they have ready access to client funds (public guardians, etc.) pay more, and those without access to any client funds will pay little or nothing. This will ensure that those attorneys who

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do pay into the fund are motivated to minimize payouts and to accept the sensible risk-management controls needed to stop client victimization (such as random audits of IOLTA accounts).

Meanwhile, until the Bar recognizes its moral responsibility to provide full reimbursement to individual clients for funds stolen from them by their Michigan attorney, I propose a complete moratorium on articles about our public image.

John Gear, Lansing

Better with Age

To the Editor:

I have enjoyed the benefits of the *Michigan Bar Journal* for many years. Unlike me, it gets better with age. Thank you for such a fine service to the profession.

Philip A. Gillis, Saint Clair Shores

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